

IN THE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

GINA TORRES and	)	
DENNIS L. TORRES,	)	
	)	
Plaintiffs,	)	
	)	Case No. 4:19-cv-01525-HEA
vs.	)	
	)	
LANCE COATS, et al.	)	
	)	
Defendants.	)	

**DOWD & DOWD, P.C.'S MEMORANDUM OF LAW IN  
SUPPORT OF DOWD & DOWD, P.C.'S MOTION TO  
WITHDRAW AS COUNSEL FOR PLAINTIFFS, REQUEST  
FOR EXPEDITED CONSIDERATION AND REQUEST FOR  
ORAL ARGUMENT PURSUANT TO L.R. 4.02**

COMES NOW Dowd & Dowd, P.C. and for Dowd & Dowd, P.C.'s Memorandum of Law in Support of Dowd & Dowd, P.C.'s Motion to Withdraw as Counsel for Plaintiffs, Request for Expedited Consideration, and Request for Oral Argument Pursuant to L. R. 4.02 states as follows:

1. Dowd & Dowd, P.C. represents Plaintiffs Gina and Dennis Torres in this case. Irreconcilable differences have arisen between Dowd & Dowd, P.C. and Ms. Torres and Mr. Torres regarding the manner in which this matter should be handled. Plaintiffs Gina and Dennis Torres oppose this motion.

2. Dowd & Dowd, P.C. requests oral argument on this motion pursuant to L.R. 4.02 and requests that Plaintiffs be ordered to attend the hearing on this motion so that the Court can be fully apprised of the Plaintiffs' position and in order to address next steps in the event the Court grants Dowd & Dowd, P.C.'s motion to withdraw.

3. This Court has adopted the Rules of Professional Conduct of the Missouri Supreme Court. See E.D.Mo. L.R. 12.02. When ruling on an attorney's motion to withdraw, federal courts

consider the relevant Rules of Professional Responsibility. See, e.g., *Jo Ann Howard and Associates, P.C. v. Cassity*, 2012 WL 229316, at \*1 (E.D.Mo. 2012), citing *Goodman Distrib., Inc. v. Haaf*, No. 4:10–CV–806 CAS, 2011 WL 6934265 (E.D.Mo. Dec. 30, 2011). If an attorney's request to withdraw complies with these Rules, then it is “presumptively appropriate” to permit the attorney to withdraw. *Jo Ann Howard and Associates, P.C. v. Cassity*, 2012 WL 229316, at \*1 (E.D.Mo. 2012), citing *Brandon v. Blech*, 560 F.3d 536, 538 (6th Cir.2009).

4. Dowd & Dowd, P.C.’s motion for withdrawal complies with the applicable Rules of Professional Responsibility in that, among other things, it recites that the attorney-client relationship between counsel and their clients have broken down due to a fundamental disagreement with Plaintiffs regarding the manner in which this matter should be handled. See Missouri Rule of Professional Conduct 4-1.16(b)(4) (permitting counsel to “withdraw from representing a client if ... the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement.”) Missouri Rule of Professional Conduct 4-1.6 (Confidentiality of Information) precludes Dowd & Dowd, P.C. from providing any further detail regarding the professional considerations necessitating their withdrawal.

5. Dowd & Dowd, P.C. has communicated with the clients and discussed these issues at length but has been unable to resolve them. Because Dowd & Dowd, P.C. has complied with the applicable rules of Professional Conduct the Court should find that Dowd & Dowd, P.C.’s request to withdraw is presumptively appropriate.

6. Dowd & Dowd, P.C. also requests that Plaintiffs be given 90 days to obtain new counsel to represent them in this case. Dowd & Dowd, P.C. submits that new counsel will need a reasonable period of time to become familiar with the issues in this case. For this reason Dowd & Dowd submits that once the Plaintiffs have obtained new counsel, the Court should consider an additional extension of time for new counsel to prepare for trial.

7. Dowd & Dowd, P.C. also requests that the current trial setting of September 11, 2023 and all other deadlines contained in the scheduling order be vacated. For this reason Dowd & Dowd, P.C. requests that the Court give this motion to withdraw expedited consideration.

8. Dowd & Dowd, P.C. has met and spoken with Plaintiffs regarding this motion and served a copy of the motion on the Plaintiffs via email on August 17, 2023.

9. Defendants, by counsel, do not oppose Dowd & Dowd, P.C.'s motion to withdraw or any of the other relief sought in this motion.

WHEREFORE, Dowd & Dowd, P.C. respectfully submits Dowd & Dowd, P.C.'s Memorandum of Law in Support of Dowd & Dowd, P.C.'s Motion to Withdraw as Counsel for Plaintiffs, Request for Expedited Consideration, and Request for Oral Argument Pursuant to L. R. 4.02 and moves the Court for an order granting Dowd & Dowd, P.C.'s motion to withdraw as counsel for Plaintiffs Gina and Dennis Torres, granting Dowd & Dowd, P.C.'s request for expedited consideration and granting Dowd & Dowd, P.C.'s request for oral argument pursuant to L.R. 4.02 and for such other and further relief as the Court deems just and proper the premises considered.

Respectfully submitted,

DOWD & DOWD, P.C.

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system on all counsel of record this 17<sup>th</sup> day of August, 2023.

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/s/ Douglas P. Dowd